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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,218	04/08/2004	Jean-Marc Dubois	88000.1020	9415
20601 7590 11/05/2007 SPECKMAN LAW GROUP PLLC 1201 THIRD AVENUE, SUITE 330 SEATTLE, WA 98101			EXAMINER GROSSO, HARRY A	
			ART UNIT 3781	PAPER NUMBER
			MAIL DATE 11/05/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/821,218	<b>Applicant(s)</b> DUBOIS ET AL.	
	<b>Examiner</b> Harry A. Grosso	<b>Art Unit</b> 3781	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 August 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Drawings***

The objection to the drawings has been overcome by the amendment filed August 27, 2007. The objection is withdrawn.

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The rejection of claims 4 and 12 under 35 U.S.C. 112, first paragraph, has been overcome by the amendment filed August 27, 2007. The rejection is withdrawn.

The rejection of claims 4, 12 and 13 under 35 U.S.C. 112, second paragraph, has been overcome by the amendment filed August 27, 2007. The rejection is withdrawn.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3 and 9-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub in view of Walsh, both of record.

4. Regarding claim 1, Blinstrub discloses a transport box with 1<sup>st</sup> sidewalls (14 Figure 1, column 3, lines 7-18) and 2<sup>nd</sup> sidewalls (16) and the base has support pillars that are elements (legs 24 and 26) beneath the base plate and above the base plate formed by the lower wall segments (32) with angle elements at the corners as seen in Figure 8, and step-like arrangements where the corner pillars are stepped in. The examiner considers the phrase "such that the angle elements can receive tube elements of a second transport box in the collapsed state" an intended use. Blinstrub is capable of having the angle elements receive tube elements of a second transport box in a collapsed state as best understood from the disclosure as can be seen in Figure 7.

Blinstrub does not teach that the legs can be hollow tube elements. Walsh discloses a similar transport box with 1<sup>st</sup> sidewalls (18, 20, Figure 1, paragraph 0035) and 2<sup>nd</sup> sidewalls (14, 16) and the base has support pillars formed by the lower wall segments with angular elements at the corners and hollow tube elements (96, 98) for the legs to provide a box where the runner element under the legs can be removed or replaced. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of legs that are hollow tube elements as disclosed by Walsh in the box disclosed by Blinstrub to make it possible to remove and replace the runner element if damaged.

5. Regarding claim 2, Blinstrub discloses the angular elements each comprise a long and a short section as can be seen in Figure 8, where the long section runs the entire length of the 2<sup>nd</sup> sidewalls.

6. Regarding claim 3, Blinstrub discloses the second sidewalls will comprise a rectangular cutout at the corner regions formed by the bottom of the sidewall and the downwardly protruding hinge member as seen from Figures 3 and 8.
7. Regarding claim 9, the structure of Blinstrub as modified by Walsh incorporates the structure disclosed by Walsh of runners (108) with cams (92, 92, Figure 10, paragraph 0045), and the cams are fastened to the tube elements.
8. Regarding claim 10, the runner elements of Blinstrub as modified by Walsh form a quadrangle (Figure 7).
9. Regarding claim 11, the cams of Blinstrub as modified by Walsh are hollow and have reinforcing elements as seen in Figure 10.
10. Regarding claim 12, the structure of Blinstrub as modified by Walsh has the runners with a flat groove and a connecting element (116 and 118, Figure 10 of Walsh).
11. Regarding claims 13 and 14, Blinstrub discloses the box is molded of plastic material (column 3, lines 10-11) and Walsh discloses the box is injection molded from polyethylene (paragraph 0034). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of injection molding of polyethylene as disclosed by Walsh in the box disclosed by Blinstrub since this technique of forming is known in the art.
12. Claims 4 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh in view of Stoner and Reiland, of record. Blinstrub as modified by Walsh discloses the invention including two inwardly bent edges (58, Figure 3) on the 2<sup>nd</sup> sidewalls and it appears that the edges may taper upward but Blinstrub and

Art Unit: 3781

Walsh do not teach this. Stoner discloses a collapsible transport box with sidewalls that have inwardly bent edges that taper upwardly to facilitate collapsing the walls (6, Figures 1 and 2). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges that taper upwardly as disclosed by Stoner in the box disclosed by Blinstrub as modified by Walsh to facilitate collapsing the walls.

Blinstrub as modified by Walsh and Stoner does not teach the inwardly bent edges of the second sidewalls having a bevel reinforced with ribs. Reiland discloses a similar transport box with sidewall having inwardly bent edges with a bevel reinforced by ribs as seen in Figures 1 and 2. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of sidewalls that have inwardly bent edges with a bevel and reinforcing ribs as disclosed by Reiland in the box disclosed by Blinstrub as modified by Walsh and Stoner to provide an alternate construction for the corner of the sidewall incorporating reinforcing ribs for added strength.

13. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh in view of Reiland. Blinstrub as modified by Walsh discloses the invention except for longitudinal and transverse ribs in the corner regions of the sidewalls. Reiland disclose a similar transport box with longitudinal and transverse ribs in the corners of the sidewalls. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of longitudinal and transverse ribs in the corners of the sidewalls as disclosed by Reiland in the box

disclosed by Blinstrub as modified by Walsh to provide for reinforcement of the sidewalls at the corner areas.

14. Claim 8 rejected under 35 U.S.C. 103(a) as being unpatentable over Blinstrub as modified by Walsh and Reiland in view Hartwall (6,955,273). Blinstrub as modified by Walsh and Reiland discloses the invention except for the transverse and longitudinal ribs welded to a flat cover. Hartwall discloses a similar transport box with a sidewall having transverse and longitudinal ribs attached to a flat cover (34, Figure 4, column 5, lines 48-64). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated the use of a flat cover as disclosed by Hartwall in the box disclosed by Blinstrub as modified by Walsh and Reiland to enclose the sidewall and provide the ability to insulate the sidewalls. The examiner considers the term "welded" to be a product by process limitation that does not materially affect structure.

### ***Response to Arguments***

15. Applicant's arguments with respect to the rejection of claims 1-3 and 9-14 under 35 U.S.C. 102(b) as being anticipated by Walsh et al have been fully considered and are persuasive. The rejection of claims 1-3 and 9-14 under 35 U.S.C. 102(b) as being anticipated by Walsh et al has been withdrawn.

16. Applicant argues that Blinstrub does not teach supporting pillars arranged as tube elements beneath the base plate. In response, Walsh is used as a teaching of this feature. Applicant argues that Walsh does not remedy this deficiency in Blinstrub,

however, applicant has not argued that Walsh does not teach the support pillars arranged as tube elements beneath the base plate.

17. Applicant argues that Blinstrub does not disclose the supporting pillars as angle elements with a step-like arrangement for receiving tube elements of a second transport box in the collapsed state in order to stack such a container on another container in a collapsed state. In response, Blinstrub discloses supporting pillars above the base plate formed by the lower wall segments (32) with angle elements at the corners as seen in Figure 8, and step-like arrangements where the corner pillars are stepped in. The examiner considers the phrase "such that the angle elements can receive tube elements of a second transport box in the collapsed state " an intended use, however, Blinstrub is capable of having the angle elements receive tube elements of a second transport box in a collapsed state as best understood from the disclosure as can be seen in Figure 7.

18. Applicant argues that the Stoner, Reiland and Hartwall references do not teach or suggest supporting pillars arranged as tube elements beneath the base plate and as angle elements with step-like arrangements arranged above the base plate, such that the angle elements can receive the tube elements of the supporting pillars of a second transport box stacked on the transport box in the collapsed state. In response, Stoner, Reiland and Hartwall are not depended upon to teach these limitations as they are taught by Blinstrub and Walsh as discussed above.



***Conclusion***

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

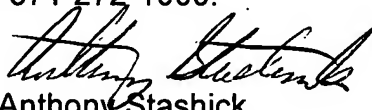
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harry A. Grosso whose telephone number is 571-272-4539. The examiner can normally be reached on Monday through Thursday from 7am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3781

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Anthony Stashick  
Supervisory Patent Examiner  
Art Unit 3781

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